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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/006,538

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Huy P. Nguyen

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EXAMINER

AMINI, JAVID A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/006,538

Applicant(s)

NGUYEN ET AL.

Examiner

Javid A. Amini

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/21/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 5/18/2007 have been fully considered but they are not persuasive.

Applicant on page 8 of the remarks at first paragraph argues that Iwata does not teach providing geometric information indicating a relative position of a display.

Examiner's reply: Iwata in col. 5 explicitly teaches that (... a location detector for detecting a location of the slide cover, and a display switch for changing a size of the display area for displaying information and a displaying direction of information according to the location of the slide cover detected by the location detector.).

Applicant on page 8 in second paragraph argues that Iwata fails to explicitly teach providing geometric information indicating a relative position of a display with respect to an edge of a sliding display cover.

Examiner's reply: Iwata in figs. 47-48 clearly illustrates the Applicant's argument. Iwata in the bridging paragraph cols. 31-32 discloses that the embodiments 1-6 apply to a potable device in figs. 47-48.

Applicant on page 8 in third paragraph argues that Iwata fails to teach the geometric information if provided for a plurality of positions.

Examiner's reply: Iwata in fig. 46 illustrates the concept of a plurality of positions.

Applicant on page 9 in third paragraph argues that Iwata fails to teach a sliding display cover comprising an input device.

Examiner's reply: Inherently the sliding display cover in figs. 47-48 is considered as an input device, see also in fig. 3 ref.#9 that inputs to a processor #21.

Applicant on page 10 in first paragraph argues regarding claim 8 that Iwata fails to teach positioning an edge of said sliding cover adjacent to a portion of the information on the display screen and invoking an action of the electronic device related to the portion of the information.

Examiner's reply: repeating: Iwata in col. 5 explicitly teaches that (... a location detector for detecting a location of the slide cover, and a display switch for changing a size of the display area for displaying information and a displaying direction of information according to the location of the slide cover detected by the location detector.). Iwata in figs. 47-48 clearly illustrates the Applicant's argument. Iwata in the bridging paragraph cols. 31-32 discloses that the embodiments 1-6 apply to a potable device in figs. 47-48. Iwata in fig. 46 illustrates the concept of a plurality of positions.

Applicant on page 10 in last paragraph requests to have evidentiary support for the Examiner's Official Notice that a non-contact sensor is well known in the art.

Examiner's reply: The following arts contained the well-known non-contact sensor:

1. **Non-Contact Sensor For Servo Track Writer - Company Business and Marketing. Larry Sato, Year 2000, see detecting principle on first page.**
2. **US 2002/0135384 A1, Sep. 26, 2002, see [0001] and [0016].**
3. **US 6,467,369 B1, Mann et al. Oct. 22, 2002, see col. 2 lines 30-33.**
4. **US 5,990,807, Cloutier et al. Nov. 23, 1999, see abstract.**

Applicant on page 11 regarding the Examiner's Official Notice for claims 13 and 15 requests evidentiary support for a sliding door with a keyboard and a speaker.

Examiner's reply: The following arts contained the well-known keyboard and a speaker:

1. **US 2003/0112225 A1, Granberg, Jun. 19, 2003, see [0005] for flexible keypad, and see in fig. 1 a speaker #7.**

2. US 6,317,313 B1, Mosgrove et al. Nov. 13, 2001 In figs. 5a and 6a ref.# 131.
3. US 6,643,124 B1, Wilk, Nov. 4, 2003, see in figs. 13 and 14 ref.# 134, 152.
4. US 6,064,734, Hasegawa et al. May 16, 2000, see fig. 1 ref.#5.

Applicants on page 12 regarding claim 14 argues that the reference does not teach the limitations.

Examiner's reply: See the rejection in the OA.

Examiner encourages Applicant to schedule an interview.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al. U.S. patent number 6,009,338, (hereinafter refers as Iwata).

Regarding Independent claim 1, Iwata teaches a portable electronic device (see fig. 1) comprising: a processor module (see fig. 3 unit 21) comprising a processor and a display (see fig. 3 unit 4 a LCD display) for displaying one or more objects (col. 30 lines 38-41, see "GUI"), wherein each object activates one of a plurality of actions executable by said processor module (see fig. 66 the steps S4-S6 are considered as a plurality of actions which are executable by the processor module in fig. 3 unit 21); a sliding display cover moveably coupled to said processor module (see, col. 5 lines 55-56; col. 8 lines 34-44), a sensing device coupled to said processor

module (see col. 5 lines 52-59) and to said sliding display cover (see, fig. 48), sensing a position on said display of a edge of said sliding display cover, wherein said position corresponds with a location of a displayed object on said display (see, col. 5 lines 55-59), a device driver (see, fig. 42 a control unit that controls the display or LCD unit (Examiner's interpretation: the control unit is equivalent to the terms that claim discloses as the device driver) for facilitating performance of an action corresponding to said displayed object which corresponds with said position, wherein said performance of said action is initiated by a user (Iwata in the abstract discloses the performance of a desired screen display enables the user to obtain or initiate the desired screen with fewer number of operations and with less waiting time).

Regarding dependent claim 2, "the portable electronic device of claim 1, wherein said action is a visual configuration of said display." Examiner's interpretation: a display switch for changing a size of the display area is considered as the action for visual configuration, and see Iwata discloses in col. 5 lines 63-64.

Regarding dependent claim 3, "the portable electronic device of claim 1, further comprising a wireless transmitter, and wherein said action is an initiation of communication with another device using said wireless transmitter." Iwata discloses in Fig. 3 a "radio transmission" which is interpreted to be "wireless transmitter" and further Iwata disclose "wherein said action is the initiation of communication with another device using said wireless transmitter." in col. Col. 1 line 42-56 by stating "Telephone keyboard 6 for dialing keys is placed on the top of cover 7 installed on a mobile information terminal equipment body 1. Electronic note Keyboard 8 for character data input keys is installed from the back of cover 7 to the area covered by cover 7. A

telephone mode and an electronic note mode are switched based on the output from a cover switch 9, which detects the opened/closed status of cover 7.

Regarding dependent claim 4, “the portable electronic device of claim 1, further comprising a wireless transmitter, and wherein said action is an initiation of communication with an external device, using said wireless transmitter.” Examiner’s interpretation regarding the term “an external device”, the wireless transmitter is transmitting signal and it has be an external receiver receiving the signal. Iwata disclose in col.1 line 42-56.

Regarding dependent claim 6, Iwata discloses at col. 7, lines 24-25.

Regarding dependent claim 7, “the portable electronic device of claim 1, wherein said sliding cover comprises an input device coupled to said processor module.” Examiner’s interpretation: it’s inherent to have an input coupled with a processor. Iwata in fig. 3 illustrates sliding cover box 9 and the processor 21. Iwata disclose in col. 1 line 46-48.

Claims 8 -10 recite method steps performed by the apparatus of claims 1 and 3; therefore they are similar in scope and rejected under the same rationale basis.

Regarding dependent claim 11, “a method as described in claim 8 wherein said action is a display of related additional information associated with said object.” Iwata disclose in col. 7 lines 34-42 and in fig. 66 steps S4-S6.

Regarding dependent claim 12, “a method as described in claim 8 wherein said selection device is a key.” Iwata in fig. 2 number 9 illustrates the limitation.

Claims 16-20 recite a computer readable medium containing executable instructions for executing the method of claims 8-11. It is inherent to have a medium configured to store or transport computer readable code in a computer system. For example compact disc has been

Art Unit: 2628

included and used in the computer systems since 1990s or magnetic data storage devices have been used since 1980s. Also Iwata disclose a software application included in his portable electronic device in col. 30 lines 58 – col. 31 line 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata.

Regarding claim 5, Iwata teaches the portable electronic device as described in claim 1. Iwata does not specifically disclose the sensing device is a non-contact sensor device. However, Examiner takes an official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Iwata for providing the type of sensor as claimed, for using either optical or electromagnetic switch in one or both side of a sliding cover in order to have an ability to switch on/off the display without using an extra key bottom.

Examiner's reply: The following arts contained the well-known non-contact sensor:

5. **Non-Contact Sensor For Servo Track Writer - Company Business and Marketing.** Larry Sato, Year 2000, see detecting principle on first page.
6. **US 2002/0135384 A1, Sep. 26, 2002, see [0001] and [0016].**

7. **US 6,467,369 B1, Mann et al. Oct. 22, 2002, see col. 2 lines 30-33.**

8. **US 5,990,807, Cloutier et al. Nov. 23, 1999, see abstract.**

Regarding claim 13, Iwata teaches the method as described in claim 8. Iwata does not specifically disclose the sliding cover comprises a keyboard. However, Examiner takes an official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Iwata for providing a method as claimed, for using a keyboard on a sliding cover in order to have a larger display area.

Regarding claim 15, Iwata teaches the method as described in claim 8. Iwata does not specifically disclose the sliding cover comprises a speaker. However, Examiner takes an official notice that such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Iwata for providing a method as claimed, for using a speaker on a sliding cover in order to have an ability to use (communicate) the handheld without sliding or opening the cover.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata in view of Hansen et al., U.S. Patent No. US 5,956,625.

Regarding claim 14, Iwata does not disclose the sliding cover comprises a microphone. However, the second reference Hansen in figs. 1-2, number 40 teaches the microphone on the cover.

Therefore, it would have been obvious to one skill in the art at the time the invention was made to modify the above teaching of Hansen into Iwata for providing a method as claimed because the telephone with a built in microphone on the cover may be used as a radio telephone in addition to telephone handset which is less expensive for a user.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

Art Unit: 2628

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Examiner
Art Unit 2628

J.A.

A handwritten signature in black ink, appearing to be 'K. M. Tung', with a long, sweeping horizontal stroke at the end.

KEE M. TUNG
SUPERVISORY PATENT EXAMINER